IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO.10 OF 2006

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Skanska International Civil
Engineering AB ...Appellants

v/s.

Jog Engineering Ltd.
and ors. ...Respondents

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Mr.Iqbal Chagla with Mr.Rohit Kapadia and Ms.Navita Sood with Ms.Preeti Shah for the Appellants.

Mr.A.Y.Bookwala with Mr.Kalpesh Joshi with Mr.Sandip Bhinder i/b M/s.Wadia Gandhy & co. for Respondent No.1.

Mr.P.P.Chavan with Mr.V.M.Bhate for Respondent No.2.

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CORAM: D.K.DESHMUKH, J.

DATED: 14TH JUNE, 2006

P.C.:

The parties are agreed that for disposing of this appeal in following terms no reasons are necessary to be recorded.

(i) Order impugned in the appeal is set aside.

(ii) It is directed that in case, in the arbitration proceedings that are pending between the Respondent No.1 and Respondent No.2, there is an award made in favour of the Respondent No.1, and the Respondent No.2 decides to make payment of the awarded amount to the Respondent No.1, out of that amount an amount of Rs.42 crores or if there is an award made for the lesser amount, that amount be deposited by the Respondent No.2 in the District Court at Pune with due intimation to the Respondent No.1 and the

Appellant.

(iii) At that stage the Appellant shall be at liberty to make an application for appropriate interim relief in relation to the amount deposited in the court.

(iv) In case the Appellant is not successful in obtaining appropriate orders from the competent court within a period of two weeks from the date on which the intimation about the deposit is received by the Appellant from the Respondent No.2, then the District Court shall permit the Respondent No.1 to withdraw the amount. Otherwise disposal of that amount shall be governed by the order that may be passed by the competent count.

(v) The learned Counsel appearing for the Appellant states that in case the competent court holds that the Appellant was not justified in demanding the deposit of the amount in the District Court, then the Appellant may be held liable for payment of interest on that amount for the period during which the Respondent No.1 has not been able to get the amount.

(vi) It is clarified that the deposit of the amount

if made by the Respondent No.2 in court pursuant to this order would be taken as payment of the awarded amount by the Respondent No.2 to Respondent No.1, as between the Respondent No.1 and the Respondent No.2.

(vii) By this order, present appeal and the application filed by the Appellant under Section 9 before the District Court stand disposed of, of course with liberty to the Appellant to make a fresh application as indicated above or for any other reliefs which the Appellant may be entitled.

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